

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## ALASKA AIRLINES, INC.,

Plaintiff,

V.

BRADLEY CAREY and CELESTE CAREY;  
CAREY TRAVEL, INC., a Washington  
corporation,

## Defendants, Counterclaimants, and Third Party Plaintiffs.

V.

## POINTS INTERNATIONAL LTD.,

### Third Party Defendant.

Case No. C07-5711RBL

ORDER DENYING  
DEFENDANT'S MOTION  
FOR CONTEMPT

This matter comes before the Court on Defendants' Motion for Contempt [Dkt. # 244].

Defendants claim that Alaska violated the terms of the court's Injunction (granted in Alaska's favor) [Dkt. #225], specifically the portion that provided: "Alaska Airlines shall not refuse to do business with Defendants to the extent the Defendants' actions or activities are not prohibited by the Alaska Airlines Mileage Plan's Terms & Conditions."

Defendants claim Alaska violated this provision by refusing to honor a mileage ticket obtained by a fisherman, Roos, using the miles of another fisherman, Cline, with Brad Carey's assistance.

Defendants claim that the second fisherman "loaned" the first fisherman the miles, and that Carey

1 did not profit from the transaction. They acknowledge that the Injunction prohibits them from “buying  
2 selling brokering or bartering miles,” but claim that Brad Carey does none of these things when he  
3 arranges mileage tickets for his customers. They also argue that Alaska has terminated Carey’s mileage  
4 plan membership and now refuses to do business with him beyond selling him revenue tickets, and that  
5 that refusal is damaging him \$1000 per day.

6 Alaska argues that it has no obligation to extend the privileges of membership in its mileage plan  
7 to Carey, and that his efforts to procure mileage tickets using Alaska’s system necessarily requires him to  
8 misrepresent his identity. Alaska has therefore asked the Court to find Defendants in Contempt of the  
9 Injunction.

10 The Defendants’ Motion for Contempt is DENIED. The Court will hear oral argument on Alaska’s  
11 Motion for Contempt [Dkt. #251] on **March 16 at 10:00**. The Parties should note that the Injunction  
12 was, from the court’s perspective, a final judgment (except for Alaska’s pending attorneys’ fees request)  
13 and the Court did not and does not anticipate a continuing role as referee over each Alaska/Carey  
14 interaction.

15 IT IS SO ORDERED.

16 DATED this 2<sup>nd</sup> day of March, 2010.

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19 RONALD B. LEIGHTON  
20 UNITED STATES DISTRICT JUDGE  
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